IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

LA.App. No. 795 of 2005

LAR.233/2002 of PRL.SUB COURT,KOTTAYAM
.....

APPELLANT/ RESPONDENT:

THE STATE OF KERALA, REP. BY DISTRICT COLLECTOR, KOTTAYAM.

BY GOVERNMENT PLEADER SRI. K.V. MANOJKUMAR.

RESPONDENT/CLAIMANT:

P.V. RADHAKRISHNAN, S/O.VELU, PUTTINAL THEKKETHIL HOUSE, KADAPPOOR, KANAKKARY VILLAGE, REPRESENTED BY PARUKUTTY, W/O.RADHAKRISHNAN, PUTTINAL THEKKETHIL HOUSE, KADAPPOOR, KANAKKARY VILLAGE.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 795 OF 2005

&

C.M. Appln. No. 1058 OF 2005

Dated this the 17th day of December, 2007.

J U D G M E N T

Kurian Joseph, J.

C.M. Appln. No. 1058/05

This is a petition to condone the delay of 121 days in filing the appeal. On merits it is seen that the appeal is filed by the State aggrieved by the fixation of land value by the reference court. Acquisition is for the purpose of Muvattupuzha Valley Irrigation Project.

2. The land value fixed by the reference court is only at the rate of 60% over the value fixed by the reference court. It is not in dispute that fixation at the rate of 60% has already been sustained by this Court in several cases. Therefore, the application for condonation of delay and the appeal are dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp